



**THE CITY OF NEW YORK
LAW DEPARTMENT**

MICHAEL A. CARDODOZ
Corporation Counsel

100 CHURCH STREET
NEW YORK, N.Y. 10007-2601

phone: (212) 788-1768
fax: (212) 788-1619
email: samron@law.nyc.gov

May 12, 2009

By Hand

Hon. Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, New York 10007

Re: *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*,
MDL No. 1358, Master File No. 1:00-1898 (SAS)
This document relates to:
City of New York v. Amerada Hess, et al., 04 CV 3417 (SDNY)

Dear Judge Scheindlin:

Enclosed is a binder with copies of the Motions in Limine filed and served by the City of New York yesterday, in accordance with the schedule established in Case Management Order No. 47. The Motions In Limine are as follows:

City Motion In Limine No. 1: Notice of Motion and Motion to Exclude Evidence or Argument That Federal or New York Law Ever Required MTBE in Gasoline Delivered to or Sold in the Relevant Geographic Area, together with a Memorandum of Law in Support of the Motion, a Request for Judicial Notice attaching Exhibits 1-6, and a proposed Order;

City Motion In Limine No. 2: Notice of Motion and Motion to Exclude Evidence or Argument That Federal Agencies Endorsed or Approved the Use of MTBE in Gasoline, together with a Memorandum of Law in Support of the Motion, a Request for Judicial Notice attaching Exhibits 1-2, and a proposed Order;

City Motion In Limine No. 3: Notice of Motion and Motion to Exclude Expert Testimony Consisting of Legal Conclusions, Interpreting the Law, or Regarding

Legislative or Agency Motive or Intent, together with a Memorandum of Law in Support of the Motion, a Declaration of Marnie E. Riddle attaching Exhibits 1–7, and a proposed Order;

City Motion In Limine No. 4: Notice of Motion and Motion to Exclude Evidence or Argument Relating to the Risks, Toxicity or any Other Properties of Any Non-MTBE Substance, together with a Memorandum of Law in Support of the Motion, a Declaration of Marnie E. Riddle attaching Exhibits 1–3, and a proposed Order;

City Motion In Limine No. 5: Notice of Motion and Motion to Exclude Evidence or Argument that MTBE Does Not Require Remediation at Levels Above the MCL, together with a Memorandum of Law in Support of the Motion, a Request for Judicial Notice attaching Exhibits 1–11, and a proposed Order;

City Motion In Limine No. 6: Notice of Motion and Motion to Exclude Evidence and Argument Concerning the Liability of Non-Defendant Owner/Operators of Underground Storage Tanks, together with a Memorandum of Law in Support of the Motion, and a proposed Order;

City Motion In Limine No. 7: Notice of Motion and Motion to Exclude Evidence of Relative Toxicity of Other Contaminants as Compared to MTBE, together with a Memorandum of Law in Support of the Motion, and a proposed Order;

City Motion In Limine No. 8: Notice of Motion and Motion to Exclude Evidence or Argument Concerning Treatment Costs Associated with Other VOCS, together with a Memorandum of Law in Support of the Motion, a Declaration of Nicholas G. Campins attaching Exhibits 1–4, and a proposed Order;

City Motion In Limine No. 9: Notice of Motion and Motion to Exclude Evidence of Settlements and Settlement Discussions, together with a Memorandum of Law in Support of the Motion, and a proposed Order;

City Motion In Limine No. 10: Notice of Motion and Motion to Exclude Evidence or Argument Relating to Prior Regulatory Enforcement Actions Against the City Concerning City-Owned Underground Storage Tanks, together with a Memorandum of Law in Support of the Motion, a Declaration of Susan E. Amron attaching Exhibits A–C, and a proposed Order;

Respectfully yours,



Susan E. Amron
Deputy Chief
Environmental Law Division

c: All Counsel (via LNFS)